

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Case No.: 1:19-CR-00018-ABJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGER J. STONE, JR.,

Defendant.

_____ /

**REPLY TO GOVERNMENT'S RESPONSE TO ROGER STONE'S MOTION
REQUESTING A SHOW CAUSE ORDER**

The government minimizes the second paragraph of this Court's Order regarding the unsealing of the Court file, with a footnote. That footnote states: "Rather, the order conditioned the unsealing of the indictment on one event: the defendant's arrest. Once that condition was satisfied at approximately 6:00AM on January 25, 2019, the indictment was no longer sealed for the purposes of the Court's order and was no longer covered by the secrecy provisions of Rule 6(e)." (emphasis added). This, of course, ignores the language of the Order:

IT IS FURTHER ORDERED that the government shall inform the Court as soon as the defendant named in the Indictment is in custody so that the foregoing materials can be unsealed and entered on the public docket.

(emphasis added).

The government's argument presumes that it, not the Court holds the authority to unseal the court file under Rule 6(e), and that the Clerk of Courts is also under its authority, and not the

Court's. The government also presumes it decides when the Court's purpose has been met and can release a draft of a document still under seal.

The government drafted the motion to seal and provided the proposed order that the Court adopted. (*Cf.* ECF No. 2-1, proposed order); *with* ECF No. 3, Order)). Presumably, the government knew what conditions were required before it released an early draft of the indictment since it drafted the proposed order. The government admits that it released a draft of the indictment before the court file was unsealed. Roger Stone, therefore has created a *prima facie* case of a Rule 6(e) violation. *See Barry v. United States*, 865 F.2d 1317, 1321 (D.C. Cir. 1989) (citations omitted).

CONCLUSION

Therefore, Roger Stone, by counsel, requests a show cause order directed to the Office of the Special Counsel to show cause why contempt did not occur.

Respectfully submitted,

By: /s/ L. Peter Farkas

L. PETER FARKAS

HALLORAN FARKAS & KITTLA, LLP

DC Bar No.: 52944

1101 30th Street, NW

Suite 500

Washington, DC 20007

Telephone: (202) 559-1700

Fax: (202) 257-2019

pf@hfk.law

By: /s/Bruce S. Rogow

BRUCE S. ROGOW

FL Bar No.: 067999

TARA A. CAMPION

FL Bar: 90944

BRUCE S. ROGOW, P.A.

100 N.E. Third Avenue, Ste. 1000

Fort Lauderdale, FL 33301

Telephone: (954) 767-8909

Fax: (954) 764-1530

brogow@rogowlaw.com

tcampion@rogowlaw.com

Admitted pro hac vice

ROBERT C. BUSCHEL
BUSCHEL GIBBONS, P.A.
FL Bar No.: 006436
One Financial Plaza, Suite 1300
100 S.E. Third Avenue
Fort Lauderdale, FL 33394
Telephone: (954) 530-5301
Fax: (954) 320-6932
Buschel@BGlaw-pa.com

GRANT J. SMITH
STRATEGYSMITH, PA
FL Bar No.: 935212
401 East Las Olas Boulevard
Suite 130-120
Fort Lauderdale, FL 33301
Telephone: (954) 328-9064
gsmith@strategysmith.com

Admitted pro hac vice

Admitted pro hac vice

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 22, 2019, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record or pro se parties, via transmission of Notices of Electronic Filing generated by CM/ECF.

*United States Attorney's Office for the
District of Columbia*

MICHAEL JOHN MARANDO
JONATHAN IAN KRAVIS
**U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA**
555 Fourth Street, NW
Washington, DC 20530
Telephone: (202) 252-6886
Fax: (202) 651-3393
michael.marando@usdoj.gov
jonathan.kravis3@usdoj.gov

*United States Department of Justice
Special Counsel's Office*

AARON SIMCHA JON ZELINSKY
JEANNIE SCLAFANI RHEE
ANDREW DANIEL GOLDSTEIN
LAWRENCE RUSH ATKINSON
**U.S. DEPARTMENT OF JUSTICE
SPECIAL COUNSEL'S OFFICE**
950 Pennsylvania Avenue, NW
Washington, DC 20530
Telephone: (202) 616-0800
Fax: (202) 651-3393
asjz@usdoj.gov
jsr@usdoj.gov
adg@usdoj.gov
lra@usdoj.gov